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Total Number of Pages in This Submission

5

Application Number

10/796,616

Filing Date

03/09/2004

First Named Inventor

John Allan Grinstead

Art Unit

3677

Examiner Name

J. W. Lavinder

Attorney Docket Number

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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Remarks

Answer and Amendment after a second Non-final rejection

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
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Printed name	John Allan Grinstead		
Date	05.09.06	Reg. No.	

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Response to a second non-final Office Action

Application/Control No. 10/796,616

This communication is a response to a second non-final Office Action having a mailing date of 04/10/2006 and setting forth a shortened statutory period of three months which would expire 07/10/2006.

The applicant will follow the examiner's paragraphs sequentially as found in the above identified office action.

1. Citation of 35 U.S.C. 112

2. The examiner has rejected claims 1 - 4 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the invention. The examiner states that "the claims state that the band has a U-shaped link"

The examiner is incorrect in stating that the drawings fail to disclose a U-shaped link. This is incorrect. The specification clearly identifies the U-shaped link 5 on page of the specification, lines 16 - 18 as being an oblong U-shaped link. This is truly what this link is. It is pointed out to the examiner that an applicant can and should be his own lexicographer. This is what the applicant did and the examiner cannot reject chosen words, which are clear identifiers, under 35 U.S.C. 112. However, to assuage the examiner's stand on this matter, the applicant will change the claim as suggested by the examiner.

The examiner further rejects claim 1 under 35 U.S.C 112 on the grounds of lacking a proper antecedent. In line 1 of claim 1, the applicant claims an ornamental arm band to be worn by a wearer. In lines 6 and 7 of claim 1 there is a reference to "said plate when placed on an arm of said wearer". The examiner suggests to change this recitation to "a wearer". If this was done, the claim would now be indefinite because the question could now be raised: are there two wearers. The proper